

REMARKS:

This amendment is for the purpose of amending the Specification in the original application, amending claim 3 to remove informalities and provide traverse of the rejections advanced by the Examiner so that claims 1 through 20 remain in this application. Applicant has amended claim 3 to remove informalities contained therein. Specifically, Applicant has deleted the article "a" prior to the word "exterior" and inserted the article "an" in the place thereof.

The Official Action rejects claims 1, 3, 7 and 9 under 35 U.S.C. 103(a) as being unpatentable over Jacks, U. S. Patent 5,341,972 in view of Leaf, U. S. Patent 3,722,885. Applicant provides traverse of the rejections advanced by the Examiner as follows. The Examiner does not show a viable connection between the teachings of Leaf and Jacks absent a reading of Applicant's disclosure. To state that Applicant's disclosure is obvious in view of Jacks and Leaf is similar to stating that a ratite, such as Emu, Cassowary or Ostrich, is able to fly because they are birds, however, a ratite lacks the median ridge on the breastbone for attachment of the pectoral or wing muscles. As will be clearly shown, Leaf lacks any means for carrying and Jacks lacks a means for displaying. Joinder of these two patents can only be made in view of Applicant's disclosure. For instance, Leaf teaches an exercise card openly and loosely displayed on a board as in a board game wherein the board of the board game remains fixed in position while the players of the game perform the exercises chosen by random throw of dice. Therefore, Leaf does not teach a means for carrying. Jacks, on the other hand, teaches **concealment** of the contents in a pocket which is formed internally of the band but does not teach displaying the contents in a means for displaying. Jacks could teach "carrying the cards" as the named contents as the Examiner asserts but does not teach a means for displaying of a means for carrying without reading Applicant's disclosure upon Jacks. The Examiner points to numeral 37 of Jacks as a means for carrying or a pocket on the external surface of the wrist band, however, a careful reading of Jacks discloses that numeral 37 is the loop portion of a hook and loop fastener as recited in column 4 beginning at line 52 and is not a means for displaying and cannot be a means for displaying as a hook portion of a hook and loop fastener system is, by nature,

also concealing. Jacks also teaches a rigid insert member in another concealed pocket which acts as a stiffener but it too is concealed within the band. Therefore, Jacks does not, in any way, teach a means for displaying disposed upon the external surface of the wrist band as is clearly evident from the description, claims and drawings of Applicant. The Examiner's attention is drawn to column 1 of Jacks, in line 48 and again in line 55, column 3 in line 54 and column 4 in lines 34 and 40 and the abstract where the items are described as being concealed in the pocket. Therefore, Jacks actually teaches away from a means for displaying as claimed by Applicant. If, however, the Examiner suggests that the main pocket of Jacks could be construed to be disposed on the exterior surface of the wrist wallet band, the main pocket of Jacks would merely open thus spilling the contents, not carrying and displaying same as claimed by Applicant. Further evidence that the pocket of Jacks is only an internal pocket can be found in column 4 beginning at line 29 and continuing through line 33 wherein Jacks states that the main pocket is created **inside the main band.** (emphasis added) Similarly, key pockets 46 and the auxiliary pocket (57) are disposed internally of the wrist wallet band, thus concealed and cannot also be displayed in a means for displaying as claimed by Applicant. Since Jacks does not teach a means for displaying, and specifically does not teach a means for displaying disposed on the external surface of a means for carrying, Jacks cannot teach displaying an exercise card on a wrist band. Conversely, Leaf teaches displaying **one and only one card** loosely upon a board and therefore does not teach carrying the cards in a means for carrying without reading Applicant's disclosure upon Leaf. Leaf teaches displaying **one exercise card** in a designated area upon a board surface but does not teach containing and displaying the exercise card in a pocket disposed upon the external surface of a means for carrying nor upon an external surface of a wrist band without reading Applicant's disclosure upon the exercise card game of Leaf. The Examiner's attention is drawn to the recitation at line 6 of column 2 in Leaf where "the board is provided with a space 7 where the selected exercise card is placed face up . . ." thus specifically reciting that **one and only one card** is placed on the board and also that the card is not carried by the player. Jacks in view of Leaf would therefore teach containing **one and only one exercise card** in a **concealed pocket** within a wrist band and

accordingly cannot also teach displaying the card in a means for displaying disposed upon the external surface of a means for carrying. To say that Jacks teaches concealment and Leaf teaches displaying are equivalent is befitting of "doublespeak" right out of George Orwell's book 1984. Therefore, Applicant believes that claim 1 as presented readily overcomes the combination of the references and Applicant respectfully requests reconsideration and allowance of claim 1 in view of the above traverse of the rejection thereof. As clearly presented above with respect to claim 3, Leaf does not discuss, show or claim a pocket, nor a means for carrying and Jacks does not discuss, show or claim a means for displaying on the external surface of a means for carrying and therefore Jacks in view of Leaf cannot show a pocket disposed upon an external surface of the means for carrying. With regard to claim 7, since Jacks teaches concealment of the contents within an internal pocket, access to the internal pocket is irrelevant even though access to the internal pocket of Jacks is telescopically from one end. Thus, since Jacks in view of Leaf does not show a pocket disposed upon an external surface of the means for carrying as set forth above, Jacks in view of Leaf cannot show that the externally disposed pocket of Applicant's claim 3 receives at least one exercise card telescopically therein through an opening on one marginal edge. Finally, Leaf teaches an exercise card with one colored face and one printed face while Jacks does not teach anything regarding the contents concealed in the internally disposed pockets of the wrist wallet band and therefore neither Jacks nor Leaf teach an exercise card with exercise routines disposed upon each face. If, as the Examiner asserts, it were an obvious design choice to print both faces of the cards of Leaf, there would be no colored surface to arrange the cards into the piles needed for the board game and exercises would be disposed face up on the first card in each pile therefore defeating the purpose of the board game. Therefore, Applicant believes that the rejection of claims 1, 3, 7 and 9 based on 35 U.S.C. 103(a) have been overcome and respectfully request reconsideration and allowance of claims 1, 3, 7 and 9 as well as any dependent claims pending therefrom. However, if the Examiner persists with the rejection of claims 1, 3, 7 and 9 based upon Jacks in view of Leaf, Applicant respectfully requests the Examiner's assistance in making the language of the claims allowable.

The Official Action rejects claims 2 and 4 through 6 under 35 U.S.C. 103(a) as being unpatentable over Jacks, U. S. Patent 5,341,972 in view of Leaf, U. S. Patent 3,722,885 as applied to claim 1 and further in view of Rittmann, U. S. Patent 6,443,341. Since the means for displaying is not taught by Jacks in view of Leaf as set forth in the traverse of the rejection of claim 1 presented above, rejection of the claims dependent upon claim 1 also falls and Applicant respectfully requests reconsideration and allowance thereof. Rittmann brings only the elastic nature of the band to the combination and like Jacks teaches only concealing of any contents in the internally disposed pockets. The combination of Rittmann with Leaf would teach an elastic band with no means for displaying identical to the combination of Jacks and Leaf except for the elastic nature of the band. Therefore, Jacks in view of Leaf and further in view of Rittmann also teaches only concealment of contents in internally disposed pockets without means for displaying and especially a means for displaying disposed on an external surface of the means for carrying is evident in Applicant's claim 1, specification and drawings. If Applicant were claiming only a means for carrying in an elastic band adapted to be disposed telescopically over the hand of the user and disposed about the wrist, Rittmann would be an effective reference, however, it is clear that Applicant's improvement over any of the aforementioned references and any combination thereof is to provide a **means for displaying** disposed upon an external surface of the means for carrying.(emphasis added) Therefore, in claim 2, Applicant has further restricted the scope of independent claim 1 by telescopically disposing the structure of claim 1 over the hand and about the wrist of the user and believes that this further restriction is fully allowable under the statutes as provided for in 35 U.S.C. 112, fourth paragraph. Similarly, in claim 4 Applicant is restricting claim 2 and claim 1 in this chain to recite that the timepiece is removably affixed to the exterior surface of the wrist band, a feature not taught by any of the above references. In fact, only Jacks teaches a time piece but as is clearly evident from that disclosure, Jacks teaches that it is permanently attached. The Examiner's attention is drawn to column 2 in line 66 where Jacks specifically states that the "timepiece is attached" and therefore, not removable as asserted by the Examiner. Therefore, since claim 4 only restricts claims 1 and 2, Applicant believes that as

Jacks in view of Leaf falls, the rejection of claim 4 has been overcome as well. Likewise, claim 5 further restricts claim 3 and claim 1 by placing the means for carrying the timepiece radially opposite the pocket of the means for carrying another feature not shown, described or claimed in any of the above references. In fact, Jacks teaches only that the time piece is attached to the exterior surface and the pockets are disposed internally of the band with key pockets 46 concealed under the loop portion 37 at one end of the wrist wallet band and therefore teaches that the timepiece is disposed on an opposite surface, not the same surface, of the wrist wallet band from the pocket. Finally, with regard to claim 6, Applicant is again restricting the scope of all the claims in the chain by reciting that the means for carrying the timepiece on the exercise aid comprises a hook and loop fastening system which renders the means for carrying the timepiece removable as set forth in claim 4, a feature clearly not shown in any of the above references. Therefore, Applicant believes that the restrictions of claims 2 and 4 - 6 are allowable with independent claim 1 and any claims in the chain thereof. Applicant respectfully requests reconsideration and allowance of claims 2 and 4 - 6. If the Examiner persists with the rejection of claims 2 and 4 - 6 based upon Jacks in view of Leaf and further in view of Rittmann, Applicant respectfully requests the Examiner's assistance in making the language of these claims allowable.

The Official Action rejects claims 8 and 10 through 20 under 35 U.S.C. 103(a) as being unpatentable over Jacks, U. S. Patent 5,341,972 in view of Leaf, U. S. Patent 3,722,885 as applied to claim 1 and further in view of Schreindl, U. S. Patent 4,906,025. As fully set forth above, Applicant has provided traverse of the rejection of the independent claims as being unpatentable over Jacks in view of Leaf and therefore as the rejection thereof has been traversed, Applicant believes that Jacks in view of Leaf and further in view of Schreindl has also been traversed. Therefore, Applicant believes that the restrictions of claims 8 and 10 - 20 are also allowable. Applicant draws the Examiner's attention to page 4 of the office action in the first sentence as further evidence that Jacks does not teach a means for displaying as the Examiner admits that Jacks does not have a transparent covering on the exposed face thereof for viewing. Schreindl has a transparent covering that is removable but to apply this transparent covering to the concealed pocket of Jacks would

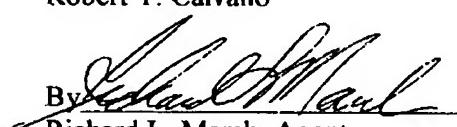
merely also conceal the transparent covering as the transparent covering would be on the internal surface of the wrist band of Jacks. Schreindl applied to Leaf would merely place a removable covering over the openly displayed card of Leaf but still would not provide a means for carrying as recited by Applicant. Therefore, as Jacks in view of Leaf has fallen, Jacks in view of Leaf and further in view of Schreindl also falls. Further restriction of the claims as presented in independent claims 8, 11 - 13 and 15 - 20 are permitted under 35 U.S.C. 112, fourth paragraph and are allowable with the independent claims, the rejections thereof traversed as recited above. Therefore, Applicant believes that the rejection of claims 8 and 10 - 20 based on 35 U.S.C. 103(a) has been overcome and respectfully requests reconsideration and allowance of claims 8 and 10 - 20. However, Applicant respectfully requests the Examiner's assistance in making the language of claims 8 and 10 - 20 allowable if the Examiner persists with the rejection thereof based upon Jacks in view of Leaf, and further in view of Schreindl.

Applicant has amended claim 3 to remove an informality contained therein and provided traverse of the rejections of all the claims thus overcome the Examiner's rejection of claims 1, 3, 7 and 9 based on 35 U.S.C. 103(a), the rejection of claims 2, 4 - 6 based on 35 U.S.C. 103(a) and the rejection of claims 8, 10 - 20 based on 35 U.S.C. 103(a) thereby placing this application in condition for allowance. Thus, claims 1 - 20 remain in this application and Applicant respectfully requests allowance thereof.

In view of the above, an Action on the merits of this application, as amended, and an allowance thereof is respectfully requested.

Respectfully submitted,

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Calvano, Docket 20124

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25 October 2004